

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

AUG 8 - 2018

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL GABRIEL MARTINEZ LEAL (1),  
and  
JUAN PABLO HOYOS AVILA (2),

Defendants.

CRIMINAL NO.:

**SA 18 CR 0570 FB**

INDICTMENT

COUNT I: 18 U.S.C. §§  
1956(a)(2)(B)(i) and 1956(h) –  
Laundering of Monetary Instruments

COUNT II: 31 U.S.C. § 5332(a) – Bulk  
Cash Smuggling

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. §§ 1956(a)(2)(B)(i) and 1956(h)]

That beginning on or about January 1, 2018 and continuing through and including July 15, 2018, in the Western District of Texas and elsewhere, Defendants,

**RAFAEL GABRIEL MARTINEZ LEAL (1),  
and  
JUAN PABLO HOYOS AVILA (2)**

did knowingly conspire with others known and unknown to the Grand Jury to transport, transmit and transfer, and attempt to transport, transmit and transfer monetary instruments and funds from a place in the United States to or through a place outside the United States, knowing that the monetary instrument and funds involved represented the proceeds of a specified unlawful activity, to-wit: drug trafficking violations of Title 21, United States Code, Sections 846 and 841(a)(1), knowing that such transportation, transmission, and transfer was designed in whole or in part to

conceal and disguise the nature, the location, the source, the ownership, or the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(2)(B)(i) and 1956(h).

**COUNT TWO**

**[31 U.S.C. § 5332(a)]**

That on or about July 15, 2018, in the Western District of Texas, Defendant,

**RAFAEL GABRIEL MARTINEZ LEAL (1),  
and  
JUAN PABLO HOYOS AVILA (2)**

did unlawfully, knowingly, and intentionally, with intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, conceal more than \$10,000 in currency in a conveyance, and did attempt to transport such currency from a place within the United States to a place outside of the United States, in violation of Title 31, United States Code, Section 5332(a).

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**  
**[See Fed. R. Crim. P. 32.2]**

This Notice of Demand for Forfeiture includes, but is not limited to the following property described in Paragraph IV.

**I.**

**Money Laundering Violations and Forfeiture Statutes**  
**[Title 18 U.S.C. §§ 1956(a)(2)(B)(i) and (h), subject to forfeiture  
pursuant to Title 18 U.S.C. § 982(a)(1)]**

As a result of the foregoing criminal violations set forth in Count Two, the United States of America gives notice to Defendants **RAFAEL GABRIEL MARTINEZ LEAL (1), and JUAN PABLO HOYOS AVILA (2)** of its intent to seek the forfeiture of the property described

below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 982(a)(1), which states:

**Title 18 U.S.C. § 982. Criminal forfeiture**

(a)(1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956 . . . of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

**II.**

**Bulk Cash Smuggling Violation and Forfeiture Statutes**

[Title 31 U.S.C. § 5332(a), subject to forfeiture pursuant to Title 31 U.S.C. § 5332(b)(2)]

As a result of the foregoing criminal violation set forth in Count <sup>TWO</sup>~~Three~~, the United States of America gives notice to the Defendants **RAFAEL GABRIEL MARTINEZ LEAL (1)**, and **JUAN PABLO HOYOS AVILA (2)** of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 31 U.S.C. § 5332(b)(2), which states:

**Title 31 U.S.C. § 5332. Bulk Cash Smuggling into or out of the United States.**

**(b) Penalty.-**

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(2) **Forfeiture.**-In addition, the court, in imposing sentence under paragraph (1), shall order that the defendant forfeit to the United States, any property, real or personal, involved in the offense, and any property traceable to such property.

III.  
Currency

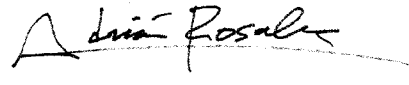
\$909,099.00, More or Less, in United States Currency.

A TRUE BILL.

  
FOREPERSON OF THE GRAND JURY

JOHN F. BASH  
UNITED STATES ATTORNEY

BY:

  
ADRIÁN ROSALES  
Assistant United States Attorney